



## Delhi Electricity Regulatory Commission

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110 017.

No. F.11(2068)/DERC/2022-23/7641

### Petition No. 02/2023

In the matter of: Petition u/s 86 read with section 63 of the Electricity Act, 2003 seeking adoption of tariff discovered through E-DEEP portal of MSTC/PFC as per MOP guidelines for purchase of power up to 500 MW from various traders/generators and for the approval of the agreements entered thereto in terms of the DERC (Terms and Conditions for Determination of Tariff) Regulations, 2017 read with Guidelines for short-term (i.e. for a period of more than one day to one year) Procurement of Power by Distribution Licensees through Tariff based bidding process dated 30<sup>th</sup> March, 2016 and amendment.

**BSES Rajdhani Power Limited**

.... **Petitioner**

**Versus**

**NTPC Vidhyut Vyapar Nigam Ltd. and Anr.**

.. **Respondents**

**Coram:**

**Hon'ble Dr. A. K. Ambasht, Member**

**Appearance:**

Mr. Buddy A Ranganathan, Advocate, BRPL

**ORDER**

(Date of Order: 07.02.2023)

1. The Instant Petition has been filed seeking adoption of the tariff discovered by the Petitioner for procurement of Short-term power and the approval of the Letters of Intents (LOIs) dated 19/01/2023 issued to the Respondents, i.e. the successful bidders. In the said LOIs it was made clear that the LOIs were subject to the approval of the Commission and that upon such confirmation, they would be treated as binding Power Purchase Agreements entered into for procurement of power by the Petitioner from the Respondents.
2. The Petitioner has made the following prayers in its Petition:
  - a. *Adopt the discovered weighted average tariff of Rs. 7.49/ kWh, as the case may be, as per Annexure 9 of the Petition.; and*
  - b. *Approve the Letters of Intent dated 19.01.2023 issued to the Respondents and their respective confirmations received from the Respondent under Section 63 of the Electricity Act, 2003 for procurement of power by the Petitioner from the Respondent and pass a suitable order in this regard;*
3. The Petitioner has submitted the following:

- i. That under Section 63 of the Electricity Act, 2003, the Commission is required to adopt the tariff determined through a competitive bidding process in accordance with the guidelines issued by the Central Government. Even otherwise, the Tariff Regulations issued by the Commission, require short term procurement to be done by way of a transparent bidding process.
- ii. It has conducted the bidding process for procurement of short term power for upto 500 MW in consonance with the MoP Guidelines and the generally accepted practices and hence has submitted to the Commission to adopt the present tariff and approve the LOIs which have been issued and accepted pursuant to the bidding process.
- iii. The tabular representation of the RTC Power Purchase Quantum against BRPL e-Tender 1528 with revised rates and quantum is as under:

**Table 1 : Details of Lol issued to Successful bidders**

Month	Period	Tender Quantum (MW)	As per e-Ra				After no regret offer		
			Successful Bided Quantum (MW)	Trader	Source Generator	Initial price/kWh	Quantum	Mus	Revised after no regret offer Price/kWh
April' 2023	Ist April to 15 <sup>th</sup> April	200	25	NVVN	Jaypee	8.4	50	18	8.39
			50	NVVN	IL&FS	8.5	100	36	8.48
			125	TPTCL	JPL	8.751	50	18	8.751
	April 16 <sup>th</sup> to 30 <sup>th</sup> April	200	25	NVVN	Jaypee	8.4	50	18	8.39
			50	NVVN	IL&FS	8.5	100	36	8.48
			125	TPTCL	JPL	8.751	50	18	8.751
May' 2023	Ist May to 15 <sup>th</sup> May	300	25	NVVN	Jaypee	8.4	50	18	8.39
			275	NVVN	IL&FS	8.5	250	90	8.48
	16 <sup>th</sup> May to 30 <sup>th</sup> May	350	25	NVVN	Jaypee	8.4	50	19.2	8.39
			275	NVVN	IL&FS	8.5	275	105.6	8.48
			50	TPTCL	JPL	8.751	25	9.6	8.751
June' 2023	Ist June to 15 <sup>th</sup> June	500	25	NVVN	Neepco Kameng HEP	7.38	25	9	7.38
			100	NVVN	Jaypee Nigree	7.38	100	36	7.37
			300	TPTCL	JPL	7.38	300	108	7.38
			60	TPTCL	Karcham Wanato	7.8	60	21.6	7.8
			15	TPTCL	GoHP	7.8	15	5.4	7.8
	16 <sup>th</sup> June to 30 <sup>th</sup> June	500	100	NVVN	Jaypee Nigree	7.53	100	36	7.52
			300	TPTCL	JPL	7.53	300	108	7.53
			25	NVVN	Neepco Kameng HEP	7.53	25	9	7.53
			75	TPTCL	Karcham Wanato	7.8	75	27	7.8
July' 2023	Ist July to 15 <sup>th</sup> July 2023	500	100	NVVN	Jaypee Nigree	6.92	100	36	6.91
			25	NVVN	Neepco Kameng HEP	6.92	25	9	6.92
			50	NVVN	Jaypee Bina	6.92	50	18	6.91

Month	Period	Tender Quantum (MW)	As per e-Ra				After no regret offer		
			Successful Bidded Quantum (MW)	Trader	Source Generator	Initial price/kWh	Quantum	Mus	Revised after no regret offer Price/kWh
			300	TPTCL	JPL	6.924	300	108	6.924
			25	TPTCL	Karcham Wanato	7.3	25	9	7.3
			100	NVVN	Jaypee Nigree	6.99	100	38.4	6.98
			50	NVVN	Jaypee Bina	6.99	50	19.2	6.98
			25	NVVN	Neepco Kameng HEP	6.99	25	9.6	6.99
Aug' 2023	1st Aug to 15th Aug 2023	300	100	NVVN	Jaypee Nigree	6.98	100	36	6.97
			50	NVVN	Jaypee Bina	6.98	50	18	6.97
			25	NVVN	Neepco Kameng HEP	6.98	25	9	6.98
			125	TPTCL	JPL	6.984	125	45	6.984
	16th Aug to 31st Aug 2023	300	100	NVVN	Jaypee Nigree	6.82	100	38.4	6.81
			25	NVVN	Neepco Kameng HEP	6.82	25	9.6	6.82
			50	NVVN	Jaypee Bina	6.82	50	19.2	6.81
			125	TPTCL	JPL	6.824	125	48	6.824
Sep' 2023	1st Sep to 15th Sep 2023	350	100	NVVN	Jaypee Nigree	6.93	100	36	6.92
			25	NVVN	Neepco Kameng HEP	6.93	25	9	6.93
			50	NVVN	Jaypee Bina	6.93	50	18	6.92
			175	TPTCL	JPL	6.934	175	63	6.934
	16th Sep. to 30th Sep 2023	150	100	NVVN	Jaypee Nigree	6.99	100	36	6.98
			150	NVVN	Jaypee Bina	6.99	50	18	6.98

- iv. The tariff at which the Petitioner will be able to procure power is market aligned and is one of the most competitive. Therefore, it is not only in the Petitioner's interest but also in the interest of consumers at large that the Commission may be pleased to approve the present Petition in the terms prayed.

#### **Commission Analysis**

- The instant Petition is filed for adoption of weighted average Tariff of Rs. 7.49/ kWh and approval of LOIs dated 19/01/2023 for procurement of power up to 500 MW for the period of April '23 and September '23. The Tariff discovered is at DEEP-Portal. DEEP portal is an e-Bidding and e-Reverse auction portal developed by MSTC/ PFC under initiative of MoP, Gol for procurement of Power on Short Term and Medium Term basis.
- During course of hearing dated 31/01/2023, the procurement status of 500 MW under Medium Term was enquired from BRPL which was allowed vide

Commission's Order dated 18/08/2022. The relevant extract of the said Order is as follows:

**A. Submissions of BRPL & BYPL**

Particulars	DISCOM	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32
Surplus/ Deficit (-)	BRPL	-1,923	-1,912	-1,732	-1,932	-2,133	-2,353	-2,585	-2,828	-2,931	-3,026
	BYPL	-643	-617	-567	-640	-722	-807	-895	-987	-1,035	-1,084

**B. Meetings held on 20/07/2022 & 29/07/2022, as directed by the Commission in Interim Order dated 30/06/2022**

Particulars	FY23	FY24	FY25	FY26	FY27	FY28	FY29
BRPL + BYPL Peak Demand	3508	3615	3725	3839	3957	4079	4205
Long Term Capacity Available	2964	3483	3539	3665	3665	3665	3665
<b>Surplus/ Deficit (-)</b>	<b>-544</b>	<b>-132</b>	<b>-186</b>	<b>-174</b>	<b>-292</b>	<b>-414</b>	<b>-539</b>
<b>Capacity requirement till FY 2028-29 i.e., Validity of Existing Licence</b>	<b>500</b>	<b>MW</b>					

6. Accordingly, Procurement of 500 MW for a period of 7 years i.e., till validity of the existing Licence period was considered appropriate for BRPL and BYPL together.”

- In this regard, Mr. Ranganadhan has submitted that he has confirmed from the Officer of the BSES, who also joined the proceedings on 31/01/2023 that the supply with respect to the medium-term power will commence from July, but even if it is so, the shortage is so high that the Petitioner would still require this particular power.
- Further, BRPL vide its letter dated 31/01/2023 intimated that based on request of received from various bidders, BRPL had issued addendum-4 to the RfQ on 15/12/2022 whereby the schedule for the bidding process has been changed and revised date for Letter for Award (LOA) is now 29/05/2023.
- The Commission notes from Page 38 of the Petition that Delhi SLDC vide its email dated 23/12/2022 has projected shortage in supply in the range of 6 MW to 1317 MW. It is also noted that for the period from Apr '23 to Sep '23, for majority of time, the shortages are expected to be over and above 500 MW. The relevant Table is as follows:

**DELHI TRANSCO LTD.  
POWER SUPPLY POSITION OF SUMMER 2023**

As on 23.12.2022

MONTH	1 <sup>st</sup> Fortnight					2 <sup>nd</sup> fortnight				
	00-03	03-09	09-12	12-18	18-24	00-03	03-09	09-12	12-18	18-24
<b>APRIL 2023</b>										
DEMAND	2296	1837	2066	2379	2306	2567	2254	2254	2713	2650
AVAILABILITY	1733	1787	2060	2076	1888	1715	1769	2052	2069	1887
SURPLUS (+) / SHORTAGE (-)	<b>-562</b>	<b>-50</b>	<b>-6</b>	<b>-304</b>	<b>-418</b>	<b>-852</b>	<b>-485</b>	<b>-202</b>	<b>-644</b>	<b>-764</b>
<b>MAY 2023</b>										
DEMAND	2971	2458	2586	3035	3078	3089	2565	2651	3099	3164
AVAILABILITY	1814	1880	2139	2177	1972	1825	1895	2148	2183	1995
SURPLUS (+) / SHORTAGE (-)	<b>-1157</b>	<b>-578</b>	<b>-448</b>	<b>-859</b>	<b>-1106</b>	<b>-1264</b>	<b>-670</b>	<b>-502</b>	<b>-916</b>	<b>-1168</b>
<b>JUNE 2023</b>										
DEMAND	3077	2625	2647	3120	3142	3163	2668	2927	3465	3228
AVAILABILITY	1846	1915	2304	2352	2037	1847	1916	2278	2352	2046
SURPLUS (+) / SHORTAGE (-)	<b>-1231</b>	<b>-710</b>	<b>-343</b>	<b>-768</b>	<b>-1105</b>	<b>-1317</b>	<b>-752</b>	<b>-649</b>	<b>-1113</b>	<b>-1182</b>
<b>JULY 2023</b>										
DEMAND	3162	2735	2820	3461	3247	2948	2414	2671	2959	3034
AVAILABILITY	1854	1918	2275	2352	2041	1906	1978	2295	2369	2094
SURPLUS (+) / SHORTAGE (-)	<b>-1309</b>	<b>-816</b>	<b>-545</b>	<b>-1109</b>	<b>-1206</b>	<b>-1043</b>	<b>-436</b>	<b>-375</b>	<b>-590</b>	<b>-940</b>
<b>AUGUST 2023</b>										
DEMAND	2804	2273	2507	2719	2889	2719	2222	2549	2783	2826
AVAILABILITY	1842	1908	2265	2352	2016	1809	1867	2240	2320	2002
SURPLUS (+) / SHORTAGE (-)	<b>-963</b>	<b>-365</b>	<b>-242</b>	<b>-367</b>	<b>-874</b>	<b>-911</b>	<b>-355</b>	<b>-309</b>	<b>-463</b>	<b>-824</b>
<b>SEPTEMBER 2023</b>										
DEMAND	2908	2423	2634	2887	2950	2571	2191	2297	2571	2634
AVAILABILITY	1800	1857	2155	2173	1952	1813	1877	2193	2207	1969
SURPLUS (+) / SHORTAGE (-)	<b>-1108</b>	<b>-566</b>	<b>-479</b>	<b>-714</b>	<b>-998</b>	<b>-758</b>	<b>-315</b>	<b>-103</b>	<b>-364</b>	<b>-665</b>

9. The Commission also notes that Tariff discovered in other Short term Power procurement tender floated by Haryana Power Purchase Centre, PFC Consulting Ltd., Torrent Power and GUVNL for similar quantum and same duration is in the range of Rs. 7.37/ kWh to Rs. 12/ kWh.
10. Considering the Demand Supply Projections by Delhi SLDC and rates discovered by other DISCOMs / Power Purchase Agencies in various States, the Commission grants 'In-principle' approval for Short term Procurement of upto 500 MW short term power from various Generator as stipulated at Sr. No. 3 (iii) above. However, if this arrangement fails, it shall be the sole responsibility of the Petitioner to procure & supply power to its consumers at the Tariff discovered in the said bidding process and additional liability, if any, for this quantum of power, shall not be pass through in Aggregate Revenue Requirement (ARR) of FY 2022-23.
11. The Petitioner is directed to maintain 24 x 7 supply during the upcoming summer period of FY 2023-24 and to expedite the process of Medium Term Power Purchase Agreement of 500 MW approved vide Order dated 18/08/2022.

**Sd/-**  
**(Dr. A.K. Ambasht)**  
**Member**